

Dave Byers¹
Executive Director, Administrative Office of Courts
Member, Task Force on the Delivery of Legal Services
State Courts Building
1501 West Washington
Phoenix, Arizona 85007
Telephone: (602) 452-3303

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of)	
)	Arizona Supreme Court No. R-20-0007
PETITION TO AMEND ARIZONA)	
RULE OF THE SUPREME)	
COURT 38)	
_____)	

SUPPLEMENTAL PETITION

Pursuant to Rule 28, Rules of the Supreme Court of Arizona, the Task Force on the Delivery of Legal Services (“Task Force”) petitions the Court to allow a supplemental petition to R-20-0007, filed January 9, 2020, to amend Arizona Rules of the Supreme Court 39, as reflected in the attachments hereto.

On January 9, 2020, Rule Petition R-20-0007 was filed seeking amendments to Rule 38(d), Arizona Rules of Supreme Court, as that rule related to clinical law professors and limited practice by law students and law graduates. However, in January 2019, the Attorney Regulation Advisory Committee (ARAC) filed a Rule

¹ Mr. Byers files this petition in his capacity of a member of the Task Force.

Amendment Petition (R-19-0011) to amend Supreme Court Rules 38 and 39, and to abrogate Rule 40. The proposed amendment sought, among other things, to reorganize the rules and update the certification process for certified limited practice law students and law graduates. While ARAC's 2019 proposed rule amendments were under the Supreme Court's consideration the Legal Services Task Force was established. One of its charges was to recommend rule changes concerning the delivery of legal services. The Task Force issued its report in October 2019, and the Arizona Judicial Council adopted the recommendations of that report, including the recommendation to amend Rule 38(d), identified as Recommendation 4 of the report. In response, on January 9, 2020, R-20-0007 was filed seeking amendments to Rule 38(d) in accord with the Task Force report.

However, R-20-0007 does not align with the amendments adopted by this Court in R-19-0011. Rather the proposed amendments in R-20-0007 were drafted in the context of Rule 38(d) as it was in effect on January 9, 2020.

R-19-0011 divides the exceptions for admission process for lawyers into two rules (Rules 38 and 39). Rule 38 comprises the more permanent exceptions; in-house counsel; foreign legal consultants; full-time and clinical law professors; and approved legal services organization and certification of *pro bono* counsel. Rule 39 contains the more temporary admissions: *pro hac vice*; practice pending admission; law student and law graduate practice; and military spouse certification. Rule 39(c) does not contain substantive changes to former Rule 38(d) and therefore Petitioner

seeks this supplemental petition to align the proposed amendments of R-20-0007 with Rule 39 as adopted by this Court's final order in R-19-0011.

Petitioner notes, a portion of R-20-0007's proposed amendments, those addressing Clinical Law Professors continue to reside within Rule 38, but the bulk of the proposed amendments in R-20-0007 are related to what will be Rule 39(c) effective May 1, 2020. Currently Petitioner no longer seeks amendments to the language of Rule 38 regarding law professors/clinical law professors. Instead, this supplemental petition only seeks to align the proposed rule amendments related to limited practice law students and law graduates in R-20-0007 with Rule 39(c), effective May 1, 2020. No substantive changes, other than which Rule the proposed amendments will appear in, are made by this Supplemental Petition.

The amendments as discussed herein are in the Appendix 1A (clean) and 1B (markup) attached hereto.

CONCLUSION

Petitioner respectfully requests that the Court accept this supplemental petition and proposed rule changes in lieu of the original appendix to the R-20-0007 petition filed in this matter.

DATED this 31st day of March, 2020.

_____/s/_____
Dave Byers
Executive Director
Arizona Administrative Office of Courts